

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Michael T. Carley, et al.)
)
Serial No.:	10/667,144) Art Unit
) 3734
Filed:	September 19, 2003)
)
Confirmation No.:	7207)
)
For:	CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM)
)
Examiner:	Lindsey Michele Bachman)
)
Customer No.:	57360)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Owner(s), Integrated Vascular Systems, Inc., having 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** Nos. U.S. 6,719,777, 6,623,510, 7,850,797, 7,806,904, 7,001,398 and **reference** application Nos. 10/541,083 filed December 17, 2003, 12/945,646 filed November 12, 2010, 11/396,141 filed March 31, 2006, 12/897,358 filed October 4, 2010, 10/616,832 filed July 9, 2003, 11/390,586 filed March 27, 2006, and 12/402,398 filed March 11,

2009 as the term is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents or reference** applications are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents or reference** applications are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, “as the term of said **prior patents** is presently shortened by any terminal disclaimer,” in the event that said **prior patents** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** applications, “as the term of any patent granted on said **reference** applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** applications, “in the event that: any such patent: granted on the pending **reference** applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR

1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge payment of any fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178, including, but not limited to: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17.

Dated this 10th day of December, 2010.

Respectfully submitted,

/Paul N. Taylor, Reg.# 57271/
PAUL N. TAYLOR
Registration No. 57,271
Attorneys for Applicant
Customer No. 57360
Telephone No. 801.533.9800